

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TTAB

EXXON MOBIL CORPORATION	:	
	:	
Opposer	:	Opposition No.: 91158375
	:	
v.	:	Mark: ERBITUX CETUXIMAB (Design)
	:	
IMCLONE SYSTEMS INCORPORATED	:	Serial No. 76/463,019
	:	
Applicant	:	Cancellation No. _____
	:	
and	:	
	:	Marks:
IMCLONE SYSTEMS INCORPORATED	:	Reg. No. 1,384,919 -- XX (stylized)
	:	Reg. No. 1,412,809 -- XX (stylized)
Petitioner in Counterclaim	:	Reg. No. 1,415,453 -- XX (stylized)
	:	Reg. No. 2,149,419 -- XX (stylized)
v.	:	Reg. No. 2,305,494 -- XX (stylized)
	:	
EXXON MOBIL CORPORATION	:	
	:	
Registrant in Counterclaim	:	

**IMCLONE SYSTEMS INCORPORATED'S AND EXXON MOBIL CORPORATION'S JOINT
MOTION FOR EXTENSION OF TIME TO FILE AN OPPOSITION TO MOTION TO
STRIKE FIRST AND SIXTH AFFIRMATIVE DEFENSES, TO FILE AN ANSWER TO
COUNTERCLAIMS, AND OF DISCOVERY AND TESTIMONY PERIODS.**

Applicant and Counterclaim Petitioner ImClone Systems Incorporated ("ImClone Systems"), and Opposer Exxon Mobil Corporation (Exxon Mobil), jointly hereby request a further one month extension of time a) for ImClone Systems to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses, b) for Exxon Mobil to file an answer or responsive pleading to ImClone Systems' Counterclaims; and c) for discovery and testimony periods.



The reason for this request is that counsel for the parties have agreed that a further one month extension for Exxon Mobil to respond to ImClone Systems' written discovery demands is appropriate, as is an extension of time for Exxon Mobil to respond to ImClone Systems' counterclaims. In exchange, Exxon Mobil has agreed to grant ImClone Systems a further one month extension to file an Opposition to Exxon Mobil's pending Motion, and also to respond to Exxon Mobil's pending discovery requests.

Therefore, the parties respectfully requests that:

1) ImClone Systems be granted an additional one month, up through and including **September 12, 2004**, to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses;

2) Exxon Mobil be granted an additional one month, up through and including **September 13, 2004**, to file an answer or responsive pleading to ImClone Systems' counterclaims; and

3) discovery and testimony periods be reset as follows:

Period for Discovery to Close: October 24, 2004

30-day testimony period for party in position of plaintiff in the opposition to close: January 22, 2005

30-day testimony period for party in position of defendant in the opposition and plaintiff in the counterclaim to close: March 21, 2005

30-day rebuttal testimony period for plaintiff in the opposition and defendant in the counterclaim to close: May 20, 2005

15-day rebuttal testimony period for plaintiff in the counterclaim to close: July 3, 2005

**Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)].**

Brief for plaintiff in the opposition
shall be due: September 4, 2005


Brief for defendant in the opposition
and plaintiff in the counterclaim
shall be due: October 4, 2005

Brief for defendant in the
counterclaim and reply brief, if any,
for plaintiff in the opposition shall be due: November 4, 2005

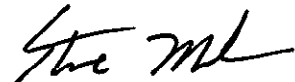
Reply brief, if any, for plaintiff
in the counterclaim shall be due: November 18, 2005

Respectfully Submitted,

Date: 8/11/04


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Incorporated

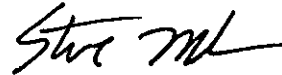

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Attorneys for OPPOSER

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 11, 2004 a true and correct copy of the foregoing Request For Extension of Time was served by ~~fax~~ and first class mail on counsel for Opposer as follows: *e-mail*

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